

# Ori J Herstein

MONTESQUIEU CHAIR IN LEGAL HISTORY AND COMPARATIVE LAW

CO-EDITOR-IN-CHIEF, *LAW AND PHILOSOPHY*

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## Curriculum Vitae

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### ACADEMIC APPOINTMENTS

#### Hebrew University of Jerusalem, Faculty of Law (2014– )

- Montesquieu Chair in Legal History and Comparative Law (2024– )
- Vice Dean for Curriculum (2022–2025)
- Professor (2020– )
- Director, Sacher Institute for Legislative Research and Comparative Law (2019–2022)
- Associate Professor (2014–2020)

#### King's College London, Dickson Poon School of Law (2012– )

- Visiting Professor, Honorary (2024– )
- Reader (2020–2024)
- Senior Lecturer (2015–2020)
- Lecturer (2012–2015)

#### Wissenschaftskolleg zu Berlin (Institute for Advanced Study, Berlin)

- Fellow (Scheduled 2027–2028)

#### University of British Columbia, Peter A. Allard School of Law

- Morley Koffman, Q.C. Memorial Visiting Chair (Fall, 2025)

#### Harvard Law School

- Visiting Professor of Law (2018–2019)

#### Peking University, School of Transnational Law

- Visiting Professor of Law (Spring, 2014)

#### Cornell University Law School

- Visiting Assistant Professor of Law (2010–2012)

#### Columbia University Law School

- Associate-in-Law (2005–2007)

## EDUCATION

### Columbia University Law School

- Doctor of the Science of Law, J.S.D. (PhD equivalent in law), 2008  
Dissertation Supervisor: Prof. Joseph Raz
- Master of Laws, LL.M. (James Kent Scholar: summa cum laude), 2004

### Tel Aviv University

- Graduate Studies in Philosophy (2001–2003)
- Bachelor of Laws, LL.B. (magna cum laude), 2001
- Undergraduate Degree in Philosophy, B.A. (magna cum laude), 2001

## PROFESSION

### Editorial Roles

- *Co-Editor-in-Chief*, Law and Philosophy (10.2025– )
- *Associate Editor*, Law and Philosophy (2020–2025)
- *Editorial Board*, Sacher Institute Press (2019– )
- *Editor-in-Chief*, Sacher Institute Press (2019–2022)
- *Editorial Board*, Law and Philosophy (2017–2020)
- *Co-Editor-in-Chief*, Jerusalem Review of Legal Studies (OUP, 2016–2020)

### Peer-Reviewer

- For the journals: *Analysis*; *Australasian Journal of Philosophy*; *European Journal of Political Theory*; *European Journal of Risk Regulation*; *Ethical Theory and Moral Practice*; *Ethics*; *Jerusalem Review of Legal Studies*; *Journal of Applied Philosophy*; *Journal of Ethics and Social Philosophy*; *Journal of Moral Philosophy*; *Oxford Journal of Legal Studies*; *Law and Philosophy*; *Legal Theory*; *Mind*; *Mishpatim (Hebrew)*; *Oxford University Press*; *Pacific Philosophical Quarterly*; *Philosophical Papers*; *Philosophical Review*; *Philosophical Studies*; *Philosophy*; *Ratio Juris*; *Sacher Institute (Hebrew)*; *Social Theory Practice*; *Yale Law Journal*, *Oxford Studies in Philosophy of Law*.

### AFFILIATIONS

- Yeoh Tiong Lay Centre for Politics, Philosophy & Law, King's College London
- Centre for Moral and Political Philosophy, Hebrew University of Jerusalem
- Israeli Law Professors Forum for Democracy

## TEACHING EXPERIENCE

- Torts (taught the core course in torts at Cornell, King's, Hebrew U., and Harvard)
- Various courses on private law theory and philosophy of law

- Doctoral and post-doctoral supervision (at King's, Hebrew U.)

## PUBLICATIONS

- The Procedural Nature of Moral Standing, *Legal Theory* 31:1, 26–53 (2025) (co-author Ofer Malcai).
- The Procedure of Morality, *Journal of Ethics and Social Philosophy* 27(1), 180–209 (2024) (co-author Ofer Malcai).
- Legal Rights, *Stanford Encyclopedia of Philosophy* (2023).
- Reasons to Try, in *Private Law and Practical Reason: Essays on John Gardner's Private Law Theory*, H. Psarras & S. Steel (eds.) (OUP, 2023).
- Justifying Standing to Give Reasons: Hypocrisy, Minding Your Own Business, and Knowing One's Place, *Philosophers' Imprint* 20(7), 1–18 (2020).
- The Remainder: Deserting Private Wrongs? in *Civil Wrongs and Justice in Private Law*, J. Oberdiek & P. Miller (eds.) (Oxford Private Law Theory Series, 2020).
- Nobody's Perfect: Moral Responsibility in Negligence, *Canadian Journal of Law & Jurisprudence* 32(1), 109–121 (2019).
- Legal Luck, in *Routledge Handbook of the Philosophy and Psychology of Luck*, I. Church & R. Hartman (eds.), 414–424 (2019).
- Understanding Standing: Permission to Deflect Reasons, *Philosophical Studies* 174(12), 3109–3132 (2017).
- Law and Authority under the Guise of the Good, *Mind* 125(500), 1213–1222 (2016) (review).
- How Tort Law Empowers, *University of Toronto Law Journal* 65(1), 99–132 (2015).
- A Legal Right to Do Legal Wrong, *Oxford Journal of Legal Studies* 34(1), 21–45 (2014).
- Responsibility in Negligence: Discussion of From Normativity to Responsibility, *Jerusalem Review of Legal Studies* 8(1), 167–184 (2014).
- Why Nonexistent People Do Not Have Zero Well-Being but Rather No Well-Being, *Journal of Applied Philosophy* 30(2), 136–145 (2013).
- Defending the Right to Do Wrong, *Law and Philosophy* 31(3), 343–365 (2012).
- A Normative Theory of the Clean Hands Defense, *Legal Theory* 17(3), 171–208 (2011).
- Responsibility in Negligence: Why the Duty of Care is Not a Duty to Try, *Canadian Journal of Law & Jurisprudence* 23(2), 403–428 (2010).
- Justifying Subversion, *Buffalo Journal of Gender, Law & Social Policy* 18, 43–73 (2010).

- The Identity and (Legal) Rights of Future Generations, *George Washington Law Review* 77(5/6), 1173–1215 (2009).
- Historic Injustice, Group Membership and Harm to Individuals: Defending Claims for Historic Justice from the Non-Identity Problem, *Harvard Law School Journal on Racial & Ethnic Justice* 25, 229–276 (2009). (Formerly Harvard Blackletter Law Journal).
- Historic Injustice and the Non-Identity Problem: The Limitations of the Subsequent-Wrong Solution and Towards a New Solution, *Law and Philosophy* 27(5), 505–531 (2008).

## GRANT & MARKS OF ACADEMIC DISTINCTION

- Fellow, Wissenschaftskolleg zu Berlin (Institute for Advanced Study, Berlin) (Scheduled 2027–2028).
- Univ. of Toronto and Hebrew Univ. Research & Training Alliance Grant, 2025 – 2029 (with others).
- Israel Science Foundation Grant (2327/23), 2023 – 2027 (with Ofer Malcai).
- The Aharon Barak Center for Interdisciplinary Legal Research Grant, 2023.
- Halbert Univ. Toronto and Hebrew Univ. Exchange, 2016-2019 (with others).
- Israel Science Foundation Grant (838/18), 2018 – 2022.
- Birk Prize. Hebrew University, 2017.
- Tier 1 “Special Talent” Visa (U.K.), by endorsement of the British Academy, 2014 –
- Finkelstein Fellow in Jurisprudence, Columbia University Law School, 2004 – 2008.
- Excellent Grad. Student (M.A.) Grant, Tel Aviv Univ., Philosophy Department (2002).

## LEGAL PRACTICE

### FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP (New York)

- Associate, Litigation Department (2008–2010)
- Summer Associate (2007)

### THE HONORABLE JUDGE DR. DRORA PILPEL, TEL AVIV CIRCUIT COURT (Israel)

- Articled Clerk (2001–2002)

### NEW YORK STATE BAR

- Admitted 2008

### ISRAEL BAR

- Admitted 2003

## PRESENTATIONS AND CONTRIBUTIONS TO CONFERENCES & WORKSHOPS

- Presenter, “Taking Poetic Justice Seriously,” *Morley Koffman, Q.C. Memorial Visiting Chair Lecture, Peter Allard School of Law, University of British Columbia* (October 2025).
- Presenter. “The Procedure of Morality,” *Haifa University Law Faculty Workshop* (June, 2025)
- Presenter. “Standing as Procedure,” *Dartmouth College: Law and Philosophy Workshop* (July, 2024. Canceled on account of war)
- Presenter. “Standing as Procedure,” *University of Oxford: OxJuris Annual Conference* (October, 2024. Canceled on account of war)
- Presenter. “Standing as Procedure,” *Lund University: Workshop on Standing to Blame and Beyond* (October, 2023)
- Presenter. “Reverence,” *Hebrew University of Jerusalem: Conference on Philosophical Reflection on the Proposed Israeli Constitutional Overhaul* (June, 2023)
- Presenter. “The Procedure of Morality,” *Conference on Varieties of Moral Address: Agency, Authority, and Responsibility* (Virtual, April 2021)
- Presenter. “Reasons to Try,” *University of Oxford: Symposium on Private Law and Practical Reason: Essays on John Gardner’s Private Law Theory* (Virtual, April 2021)
- Presenter. “Reasons to Try and Reasons to succeed in John Gardner’s Thought,” *University of Oxford Jurisprudence & Private Law Discussion Groups* (Oxford, January 2020)
- Commentator. on Adam Perry’s “Law’s Boundary”, *University of Surrey: 3<sup>rd</sup> New Directions in Philosophy of Law Conference* (July, 2019)
- Presenter. “Nobody’s Perfect: Moral Responsibility in Negligence,” *Harvard Law School: Project on Private Law Forum* (April, 2019)
- Presenter. “The Remainder: Deserting Private Wrongs?” *University of Oxford Jurisprudence Discussion Group* (October, 2018)
- Presenter. “The Remainder: Deserting Private Wrongs?” *Rutgers University: Conference on Private Law and Civil Wrongs* (September, 2018)
- Presenter. “The Remainder: Deserting Private Wrongs?” *Hebrew University Private Law Workshop* (May, 2018)
- Presenter. “Standing,” *King’s College London: Symposium on the Work of Joseph Raz* (July, 2018)
- Commentator. “Why Law is Essentially Public,” *The Edmond J. Safra Center for Ethics, Tel Aviv University: Privatization Conference* (June, 2018)
- Presenter. “Justifying Standing,” *Halbert Workshop, Univ. Toronto & Hebrew Univ.*, (June, 2017)

- Presenter “Justifying Standing,” *Hebrew University of Jerusalem: Law and Philosophy Workshop* (June, 2017)
- Commentator: Maggie O’Brien and Alexandra Whelan, “From the Hypocritical Person to the Hypocritical State and Hypocritical Laws,” *University College London: The Legal Philosophy Workshop* (May, 2017)
- Presenter. “No One is Perfect: Personal Responsibility for Negligent Conduct,” *Hebrew University of Jerusalem: Criminal Law Theory Workshop* (November, 2016)
- Presenter: “No One is Perfect: Personal Responsibility for Negligent Conduct,” *University of Manchester: Annual U.K. Analytic Legal and Political Philosophy Conference (UKALPPC)* (September, 2016).
- Commentator. Ekow N. Yankah, “Republicanism, Policing and Race,” *The Israel Institute for Advanced Studies: Conference on Legitimization of Modern Criminal Law* (June, 2016)
- Presenter. “No One is Perfect: Personal Responsibility for Negligent Conduct,” *The Israel Institute for Advanced Studies: The Legitimization of Modern Criminal Law Research Group* (June, 2016).
- Presenter. “No One is Perfect: Responsibility for Negligence,” *Tel Aviv University: Private Law Theory Workshop* (April, 2016)
- Presenter “No One is Perfect: Responsibility for Negligence,” *University of Birmingham: Workshop on: Negligence, Omissions and Responsibility* (March, 2016)
- Presenter. “Standing to Give Reasons,” *Hebrew University of Jerusalem Private Law Workshop* (June, 2015)
- Presenter. “Ad Hominem Law,” *The Israel Judiciary: Conference on Philosophy and the Law for Judges* (April, 2015)
- Presenter. “Standing to Give Reasons,” *The University Oxford: The Annual Analytic Legal Philosophy Conference (ALPC)* (May, 2014)
- Presenter. “Standing in Morality,” *King’s College London Legal Philosophy Workshop* (March, 2014).
- Presenter. “The Corrective Justice Argument Against the Corrective Justice Account of Tort Law,” *Nottingham University: Workshop Hosted By Professor John Gardner* (February, 2014).
- Presenter. “Standing in Morality,” *Tel Aviv University: Workshop on Law, Morality and the State* (February, 2014)
- Presenter. “A Legal Right to Do Legal Wrong,” *University of Oxford Jurisprudence Discussion Group* (October, 2013)
- Commentator. on Mary Anne Franks, “The Dangerous Fragility of Men: Masculinity, Vulnerability, and Harm,” *King’s College London: New Waves in Legal and Political Philosophy* (April, 2013)

- Presenter. "Responsibility in Negligence," *King's College London & The Jerusalem Review of Legal Studies Symposium on Joseph Raz's From Normativity to Responsibility* (February, 2013)
- Presenter. "How Tort Law Empowers," *King's College London: Conference on Moral Values and Private Law II* (December, 2012)
- Presenter. "A Legal Right to Do Legal Wrong," *King's College London School of Law Faculty Seminar* (November, 2012)
- Presenter. "Why Nonexistent People Do Not Have Zero Well-Being but Rather No Well-Being at All," *King's College London: Center of Law and Medical Ethics Seminar* (October, 2012)
- Presenter. "A Normative Theory of the Clean Hands Defense," *London School of Economics (LSE), Department of Law* (March, 2012)
- Presenter. "A Normative Theory of the Clean Hands Defense," *Hebrew University of Jerusalem, Law School Faculty Workshop* (January, 2012)
- Presenter. "A Normative Theory of the Clean Hands Defense," *Bar Ilan University Law Faculty Workshop* (January 2012)
- Presenter. "A Normative Theory of the Clean Hands Defense," *Haifa University Law Faculty Workshop* (January, 2012)
- Presenter. "A Normative Theory of the Clean Hands Defense," *Interdisciplinary Center, Herzliya (IDC) Law Faculty Workshop* (January, 2012).
- Presenter. "A Legal Right to Do Legal Wrong," *Peking University School of Transnational Law: Public Lecture* (December, 2011)
- Presenter "A Legal Right to Do Legal Wrong," *William and Mary Law School: Private Law Theory Discussion Group* (October, 2011)
- Presenter. "A Normative Theory of the Clean Hands Defense," *Hebrew University of Jerusalem: Law and Philosophy Workshop* (March 2011)
- Presenter. "Responsibility in Negligence: Why the Duty of Care is Not a Duty to Try," *Cornell University Law School: Faculty Workshop* (January 2010).
- Presenter. "The Identity and (Legal) Rights of Future Generations," *George Washington University Law Journal Symposia* (October, 2008)
- Presenter. "Historic Injustice and the Non-Identity Problem: The Limitations of the Subsequent-Wrong Solution and Towards a New Solution," *Cornell University Law School: Graduate Student Conference* (March, 2008)
- Presenter. "Historic Injustice and the Non-Identity Problem: The Limitations of the Subsequent-Wrong Solution and Towards a New Solution," *Columbia University Law School: Associates-in-Law Workshop* (Fall, 2007)

- Commentator. Haider Hamoudi, "Legislative and Religious Authority in Post-Invasion Iraq," *Columbia University Law School: Associates-in-Law Workshop* (Fall, 2007)
- Commentator. Dennis Patterson, "The New Global Trading Order: The Evolving State and the Future of Trade," *Columbia University Law School: Associates-in-Law Workshop* (Fall, 2007)
- Commentator. Jeff McMahan, "The Morality of War and the Law of War," *Columbia University Law School: Associates-in-Law Workshop* (Fall, 2007)